

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
RESPONSE UNDER RULE 116

EXPEDITED HANDLING PROCEDURES

Atty.Dkt. 620-70

C#/M#

Group Art Unit: 1632

Examiner: Nguyen, Q.

Date: September 4, 2002

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Sep 12, 02

In re Patent Application of

BROWN et al

Serial No. 09/117,218

Filed: January 11, 1999

Title: TREATMENT OF NON-NEURONAL CANCER  
USING HSV MUTANT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
Previously paid for	20	(at least 20) =	0	\$ 18.00

Independent claims after amendment	0	minus highest number		
Previously paid for	3	(at least 3) =	0	\$ 84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)		\$	0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this Paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)		\$	110.00
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Terminal disclaimer enclosed, add \$ 110.00		\$	0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)		\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed			
<input type="checkbox"/> Submission attached			

<b>SUBTOTAL</b>	\$	<b>110.00</b>
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If "small entity," then enter half (1/2) of subtotal and subtract		-\$	0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith			

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)		\$	0.00
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Assignment Recording Fee (\$40.00)		\$	0.00
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Other:			<b>0.00</b>
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<b>TOTAL FEE ENCLOSED</b>	\$	<b>110.00</b>
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

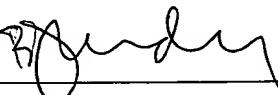
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NIXON & VANDERHYE P.C.

By Atty.: B. J. Sadoff, Reg. No. 36,663

Signature: 



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Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

September 4, 2002

**AMENDMENT UNDER RULE 116**

Responsive to the Official Action dated December 5, 2001, entry and consideration of the following amendments and remarks are requested; the period for response having been extended up to and including September 5, 2002, by submission of the attached one-month petition and one-month extension fee. A Notice of Appeal, a Notice of Appeal fee, extension petition and extension fee were filed June 5, 2002.

**IN THE CLAIMS**

Amend the claims as follows.

Cancel claims 13-22, without prejudice.

Add the following claims.

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